

REMARKS

Claims 2 and 7-10 are pending.

Claim 2 has been amended. Claims 7-10 are new. Support for the new and amended claims can be found, for example, in canceled claim 6, in FIGS. 1 and 2 and in the corresponding sections of the detailed description. No new matter has been added.

Claim 2 was rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 1,893,210 (Rider). For the following reasons, Applicants request that this rejection be withdrawn.

First, claim 2 recites an apparatus with an air blow nozzle having a spiral flow creating portion that changes a flow of air inside the nozzle. An example of these features is shown in FIG. 5 where air blow nozzle 1 has a spiral flow creating portion 60 that changes a flow of air inside the nozzle 1. The Rider patent does not disclose or render obvious the claimed subject matter.

The sprinkler head disclosed in the Rider patent clearly is not an air blow nozzle as recited in claim 2 since it does not blow air. Instead, it is a sprinkler head for a fire extinguishing system and, as such, discharges water or a similar fire extinguishing agent. Indeed, the Office action appears to implicitly acknowledge this point.

The Office action appears to allege, however, that the fluid discharge nozzle 11 in the sprinkler head of the Rider is "inherently capable" of having air blown through it and, therefore, anticipates the claimed air blow nozzle. For at least the foregoing reasons, Applicants submit that the sprinkler head in the Rider patent is not, inherently or otherwise, an air blow nozzle with a spiral flow creating portion in the nozzle distal end portion that changes a flow of air that is flowing therein into a spiral flow, as recited in claim 2.

"The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." Manual of Patent Examining Procedure, § 2112, *citing In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Inherency requires that "the missing descriptive matter [be] necessarily present

in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (Emphasis added). Moreover, “[t]he mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Id.*

Nothing in the Rider patent indicates that the sprinkler head disclosed therein might have a portion that would change air flow inside the nozzle, as recited in claim 2. Certainly, this concept is not “necessarily present” in the Rider patent. Even if air somehow were blown through the Rider sprinkler head, it is far from certain that the air would exit the sprinkler head in a spiral flow. This is because air and water (or other fire distinguishing agents) have different flow characteristics and the sprinkler head in the Rider patent is specifically designed for use with water (or other fire extinguishing agents) – not air. Indeed, a visual comparison of the sprinkler head in FIG. 1 of the Rider patent and the nozzle in FIG. 5 of the present application reveals significant structural differences, which further give rise to questions about whether the Rider sprinkler would air flow therein, as recited in claim 2.

For at least the foregoing reasons, Applicants submit that subject matter of claim 2 clearly is not “necessarily present” in the Rider patent.

Moreover, a person of ordinary skill would have had no reason to use the Rider sprinkler head as an air delivery device, because the Rider sprinkler head is for extinguishing fires and delivering air with the Rider sprinkler head would stoke the fire, not extinguish it.

For at least the foregoing reasons, Applicants submit that claim 2 should be allowable.

Claim 2 should be allowable for the following additional reasons as well.

Claim 2 has been amended to recite that the spiral flow creating section has a plurality of guide pieces, which forms three notch portions, that the three notch portions are formed at 120° intervals in the nozzle distal end portion, that the three notch portions are inclined at an angle of between 30° to 45° relative to an axial direction of the chip removal air blow nozzle and that the three notch portions have lengths in a range of 4 mm to 6 mm from the nozzle distal end portion.

The Rider patent does not disclose or render obvious the foregoing claimed subject matter. Nor does the Office action make any allegations to the contrary.

Claim 2 should be allowable for the foregoing reasons as well.

New claim 10 depends from claim 2 and, therefore, should be allowable for at least the same reasons as claim 2.

Claim 6, whose subject matter has been incorporated into claim 2, was rejected under 35 U.S.C. §103(a) as unpatentable over the Rider patent in view of U.S. Patent No. 2,518,116 (Bete). For the reasons that follow, Applicants respectfully submit that claim 2 should be allowable over the Rider patent in view of the Bete patent.

Claim 2 recites an apparatus with an air blow nozzle having a spiral flow creating portion that changes a flow of air inside the nozzle. As discussed above, the Rider patent does not disclose or render obvious the claimed subject matter. Nor does the Bete patent, alone or in any reasonable combination with the Rider patent, disclose or render obvious the claimed subject matter.

The Bete patent discloses a spiral film spray nozzle that is particularly suitable for use as a sprinkler in a fire protection system. Nothing in the Bete patent indicates that the nozzle is used to spray air, as recited in claim 2. Indeed, as discussed above, such use would be inconsistent with the nozzle's use as a sprinkler in a fire protection system. The Office action does not make any allegations to the contrary.

Claim 2 should be allowable over the Rider patent in view of the Bete patent for at least the foregoing reasons.

Claim 7 recites subject matter similar to the subject matter recited in claim 2.

More specifically, claim 7 recites an air gun that includes: a chip removal air blow nozzle with a spiral flow creating portion to change air flow flowing therein into a spiral flow, an air supply block, an air supply hose and a recovery air supply hose. For the same reasons as those

discussed above, none of the cited references discloses or renders obvious the claimed subject matter.

Claim 7 should be allowable for at least the foregoing reason.

Claims 8 and 9 depend from claim 7 and, therefore, should be allowable for at least the same reasons as claim 7.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

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Respectfully submitted,

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